

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

ALISHA KINGERY,

Plaintiff,

v.

CIVIL ACTION NO. 2:12-cv-01353

QUICKEN LOANS, INC.,

Defendant.

ORDER

This matter comes before the Court on the Parties' Joint Motion to Amend Scheduling Order [Docket 70]. The court has accepted the dates agreed upon by the parties, and has modified and added to their proposed order as necessary. For good cause shown, and upon agreement of the parties, it is hereby **ORDERED** that the Scheduling Order issued on September 14, 2012 [Docket 27], as amended December 4, 2012 [Docket 34], is amended as follows:

1. **Discovery.** The parties shall complete all written discovery requests by **Monday, July 15, 2013** (currently June 12, 2013), all depositions for fact discovery by **Friday, August 30, 2013** (currently July 28, 2013), and all depositions for expert discovery by **Monday, September 16, 2013**. The last date to complete depositions shall be the "discovery completion date" by which all discovery, including disclosures required by Federal Rule of Civil Procedure 26(a)(1), and (2), but not disclosures required by Federal Rule of Civil Procedure 26(a)(3), shall be completed. Pursuant to Local Rule 26.1(c), the court adopts and approves the agreements of the parties with respect to limitations on discovery (numbers of interrogatories, requests for admissions, and depositions).

2. **Expert Witnesses:** Plaintiff shall disclose the name(s) of all of Plaintiff's expert witnesses and make the disclosures of information required by Fed. R. Civ. P. 26(a)(2)(A) and (B) on or before **July 28, 2013** (currently May 29, 2013). Defendant shall disclose the name(s) of all of Defendant's expert witnesses and make the disclosure required by Fed. R. Civ. P. 26(a)(2)(A) and (B) on or before **August 28, 2013** (currently June 29, 2013). All parties shall provide the disclosures required by Fed. R. Civ. P. 26(a)(2)(A) and (B) if the evidence is intended solely to contradict or rebut evidence on the same issue identified by another party under Fed. R. Civ. P. 26(a)(2)(B), no later than **September 13, 2013** (currently July 14, 2013).

3. **Summary Judgment and Other Dispositive Motions.** All dispositive motions, except those under Rule 12(b), together with depositions, admissions, documents, affidavits, or other such matter in support thereof, shall be filed and served by **Monday, October 21, 2013** (currently August 8, 2013), with responses due by **Wednesday, November 6, 2013** (currently September 6, 2013), and replies due by **Wednesday, November 13, 2013** (currently September 13, 2013). Any motion must be supported by a memorandum of law at the time filed or submitted. If any motion, memorandum in support, response, or reply, inclusive of all attachments, exceeds fifty (50) pages in length, a hard copy of such materials shall be submitted to the presiding judicial officer at the time of filing.

4. **Class Certification Deadline.** All class certification motions, together with depositions, admissions, documents, affidavits, or other such matter in support thereof, shall be filed and served by **Monday, October 21, 2013** (currently August 8, 2013), with responses due by **Wednesday, November 6, 2013** (currently September 6, 2013), and replies due by **Wednesday, November 13, 2013** (currently September 13, 2013). Any motion must be supported by a memorandum of law at the time filed or submitted. If any motion, memorandum in support, response, or reply, inclusive

of all attachments, exceeds fifty (50) pages in length, a hard copy of such materials shall be submitted to the presiding judicial officer at the time of filing.

5. Hearing on Motions for Summary Judgment and Class Certification. Hearing on summary judgment or class certification motions shall be scheduled on or before **Friday, November 29, 2013** (currently September 30, 2013).

6. Settlement and Mediation Deadline. The parties shall conduct a settlement conference or mediation on or before **Monday, December 9, 2013** (currently October 7, 2013). Counsel for the plaintiff(s) shall take the initiative in scheduling the settlement meeting, and all other counsel shall cooperate to effect such negotiations. If the action is not settled during the settlement meeting, and if there is no order or stipulation to the contrary, counsel and unrepresented parties shall make all Rule 26(a)(3) disclosures at the conclusion of the meeting.

7. Motions in Limine. The parties shall file any motions in limine by **Friday, December 13, 2013** (currently October 9, 2013) and any responses to motions in limine shall be filed by **Friday, December 27, 2013** (currently October 16, 2013).

8. Proposed Integrated Pretrial Order. Plaintiff shall submit draft of pretrial order to Defendant by **Monday, December 23, 2013**, and Defendant shall file the integrated pretrial order by **Monday, December 30, 2013**. The proposed integrated pretrial order, signed by all counsel and unrepresented parties, shall set forth the matters listed in Local Rule of Civil Procedure 16.7(b).

9. Pretrial Conference. A pretrial conference shall be held at **10:00 a.m. on Wednesday, January 8, 2014**, at which lead trial counsel shall appear fully prepared to discuss all aspects of the case. Individuals with full authority to settle the case for each party shall be present in person or immediately available by telephone.

10. **Jury Instructions:** The parties shall submit proposed jury instructions by **Monday, January 20, 2014**.

11. **Final settlement conference:** A final settlement conference, attended by all unrepresented parties and by lead trial counsel for each represented party, shall be held at **9:30 a.m. on Monday, January 27, 2014** in Charleston, or as earlier directed by the court. Individuals with full authority to settle the case for each party shall be present in person or immediately available by telephone.

12. **Trial.** Trial of this action shall be held on **Tuesday, January 28, 2014**, beginning at **8:30 a.m.**, at the United States Courthouse, at Charleston, before Chief U. S. District Judge Joseph R. Goodwin.

13. **Failure to Appear or Negotiate.** Should lead trial counsel fail to appear at any pre-trial conference or otherwise fail to meet and confer in good faith with opposing counsel as required in paragraph 5 above, or should a party or his authorized representative fail to appear or be available at any conference or otherwise fail to meet and confer in good faith as required in paragraph 5 above, appropriate sanctions may be imposed, including, but not limited to, sanctions by way of imposition of attorney fees against the attorney and/or his client pursuant to Fed. R. Civ. P. Rule 16(f).

IT IS SO ORDERED.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: July 3, 2013



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE